

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSHUA BOLEN,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:17CV662
	)	
ERIC A. HOOKS,	)	
	)	
Respondent.	)	

**ORDER**

On September 25, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [ECF Nos. 12, 13] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [ECF No. 10], which is affirmed and adopted. In light of that determination, Petitioner's subsequent Motion for Court Date [ECF No. 14] will be denied.

IT IS THEREFORE ORDERED that Petitioner's Motion for Court Date [ECF No. 14] is DENIED.

IT IS FURTHER ORDERED that this action is construed as a habeas petition under 28 U.S.C. § 2254 and is DISMISSED *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current petition, accompanied by either the five dollar filing fee or a current application to proceed *in forma pauperis*, and finding no substantial

issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 2<sup>nd</sup> day of November, 2017.

/s/ Loretta C. Biggs  
United States District Judge